

**Intellectual Property Law Group****Verizon Corporate Services Group Inc**

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To: U.S. Patent and Trademark Office – From: Christian R. Andersen  
MAIL STOP: PETITION Sr. Paralegal – Intellectual Property  
Examiner: Sajid YUSSUF  
Group Art Unit: 2141  
Confirmation No.: 4126

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Fax: 703-872-9306 Pages  
with 17  
Cover:

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**FORMAL SUBMISSION OF:**

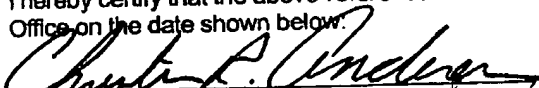
- 1) Petition Under 37 C.F.R. §  
1.181(a) to Withdraw Holding  
of Abandonment Based on

Failure to Receive Office  
Action with Exhibits A through  
E.

Title: SYSTEMS AND METHODS FOR PROVIDING ENHANCED MESSAGE  
SERVICES  
Serial No. 09/652,908  
Filing Date: August 31, 2000  
First Named Inventor: Mark J. HAHN  
Atty. No. 00-8012

**CERTIFICATE OF FACSIMILE TRANSMISSION**

I hereby certify that the above-referenced documents are facsimile transmitted to the Patent and Trademark  
Office on the date shown below:

  
Christian R. Andersen

Date of Transmission: April 15, 2005

PATENT  
Attorney Docket No. 00-8012

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:	)	
	)	
Mark J. HAHN et al.	)	
	)	
Serial No.: 09/652,908	)	Group Art Unit: 2141
	)	
Filed: August 31, 2000	)	Examiner: Sajid Yussuf
	)	
For: SYSTEMS AND METHODS FOR	)	
PROVIDING ENHANCED	)	
MESSAGE SERVICES	)	

Mail Stop PETITION  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**PETITION UNDER 37 C.F.R. 1.181(a) AND IN ACCORDANCE WITH**  
**MPEP 711.03(c) II TO WITHDRAW HOLDING OF ABANDONMENT BASED ON**  
**FAILURE TO RECEIVE OFFICE ACTION**

This petition is submitted under 37 C.F.R. 1.181(a) and in accordance with provisions of MPEP 711.03(c) II. Applicant hereby petitions the Commissioner to withdraw the holding of abandonment for the following reasons.

A Notice of Abandonment was mailed on February 9, 2005 advising that Applicant had failed to timely file a proper reply to the final office action mailed on July 15, 2004 ("Office Action"). Indeed, Applicant did not timely file that reply. Applicant had not received, and was not aware of, either the Office Action or the Notice of Abandonment until March 14, 2005, and therefore could not possibly have timely filed that reply.

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Application Serial No. 09/652,908

On March 14, 2005, Mr. George MacDonald of Pitney Bowes Inc., located in Shelton, Connecticut, ("Pitney Bowes") forwarded by facsimile transmission to the attention of both the undersigned representative and Mr. Christian Andersen, Senior Paralegal – Intellectual Property for the assignee of the instant application, ("Verizon") copies of both the Notice of Abandonment and the Office Action. The Notice of Abandonment and the Office Action had been misaddressed by the Patent Office and had been mailed directly to Pitney Bowes. Therefore, Applicant did not have any knowledge of the existence of either of these two patent office papers until Verizon received information to that effect from Pitney Bowes which first occurred on March 14, 2005, by facsimile transmission from Pitney Bowes to Verizon.

A copy of the facsimile cover sheet forwarded by facsimile transmission from a Mr. George MacDonald of Pitney Bowes to the attention of the undersigned representative and to Mr. Andersen is dated March 14, 2005, and is included herewith as Exhibit A.

A copy of the first page of the Notice of Abandonment bearing mail date of February 9, 2005, misaddressed to Pitney Bowes, Inc., 35 Waterview Drive, P.O. Box 3000, MSC 26-22, Shelton, CT 06484-8000 and forwarded to the undersigned and Mr. Andersen by facsimile transmission under cover of the above-noted facsimile cover sheet on March 14, 2005, is included herewith as Exhibit B.

A copy of the first page of the Office Action bearing mail date of July 15, 2004 misaddressed to Pitney Bowes, Inc., 35 Waterview Drive, P.O. Box 3000, MSC 26-22, Shelton, CT 06484-8000 and forwarded to the undersigned and Mr. Andersen by facsimile transmission under cover of the above-noted facsimile cover sheet on March 14, 2005 is included herewith as Exhibit C.

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At the top margin of each of the Exhibits, Pitney Bowes' fax number (203-924-3919) is shown as the sending fax number and Verizon's fax number (972-718-3946) is shown as the receiving fax number.

The foregoing documentary evidence clearly shows that the Patent Office misaddressed both the Office Action and the Notice of Abandonment and that Applicant received those documents from the mistaken addressee on March 14, 2005. Applicant respectfully submits that the foregoing representation and above-noted documentation provide a sufficient showing that Applicant did not receive these documents until March 14, 2005.

However, since MPEP 711 03(c) requires that: "A copy of the docket record where the non-received Office communication would have been entered had it been received and docketed must be attached to and referenced in practitioner's statement.", Applicant submits herewith, as Exhibit D, the declaration of Mr. Christian R. Andersen attesting to the fact that a search of the docket records was made, the results of which indicate that the Office communication had not been received prior to March 14, 2005. Verizon stopped maintaining a handwritten record on the file jackets of its patent office prosecution files on or about November 1, 2003, well prior to the date of the Office Action. Applicant further submits herewith, as Exhibit E, a copy of the relevant docket record.

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### CONCLUSION


In view of the above, Applicant respectfully petitions and requests the Commissioner to withdraw the holding of abandonment based on failure to receive the Office Action.

Although this petition is not being filed within two months of the mailing date of the Notice of Abandonment (February 9, 2005), this petition is being filed within two months (actually one month and one day) of the date of actual notice to Applicant (March 14, 2005). Applicant is responding to this unfortunate USPTO mistake as promptly as it can. Applicant respectfully submits that this petition is not to be interpreted as untimely filed under the provisions of 37 C.F.R. 1.181(f) which provides ample discretion to treat an otherwise untimely petition to withdraw the holding of abandonment on its merits. This is a case where such discretion should be exercised, as this mistake was not, in any way, the fault of Applicant.

It is believed that no fee is due with the filing of this paper. However, if a fee(s) is due, please charge any such fees in connection with the filing of this paper, to Deposit Account No. 07-2347 and please credit any excess fees to such deposit account. The Examiner is invited to telephone the undersigned at the telephone number provided below if he feels that a telephone conversation may serve to expedite the withdrawal of the holding of abandonment.

Verizon Corporate Services Group Inc.

By: \_\_\_\_\_

  
Joel Wall  
Reg. No. 25,648

Date: April 15, 2005

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Docket No. 00-8012  
Application Serial No. 09/652,908

Christian Andersen  
Verizon Corporate Services Group Inc.  
600 Hidden Ridge, HQE03H14  
Irving, Texas 75038  
(972) 718-4800

Customer No. 32127

**EXHIBIT D**

PATENT  
Attorney Docket No. 00-8012

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of:	)	
	)	
Mark J. HAHN et al.	)	
	)	
Serial No.: 09/652,908	)	Group Art Unit: 2141
	)	
Filed: August 31, 2000	)	Examiner: Sajid Yussuf
	)	
For: SYSTEMS AND METHODS FOR	)	
PROVIDING ENHANCED	)	
MESSAGE SERVICES	)	

Mail Stop PETITION  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**DECLARATION OF CHRISTIAN R. ANDERSEN IN SUPPORT OF  
PETITION TO WITHDRAW HOLDING OF ABANDONMENT  
BASED ON FAILURE TO RECEIVE OFFICE ACTION**

I, Christian R. Andersen, make declaration as follows:

1. I am employed as Senior Paralegal - Intellectual Property by Verizon in Irving, Texas, and am responsible, for receiving all communications mailed to Verizon from the United States Patent and Trademark Office ("USPTO").
2. I am responsible for, inter alia, maintaining the U.S. and foreign patent docket for Verizon.
3. I was not aware of the issuance of the final Office Action dated July 15, 2004 in this application nor the Notice of Abandonment dated February 9, 2005 in this application until March 14, 2005 when I received a phone call from Mr. George MacDonald of Pitney Bowes

PATENT  
Docket No. 00-8012  
Application Serial No. 09/652,908

informing me of the existence of these USPTO papers and after which he forwarded copies of both papers to me via a facsimile communication that same day.

4. I attach hereto as Exhibit E to the Petition a true copy of the docketing record for this application for the time period from prior to July 15, 2004 to March 13, 2005 which is maintained under my control.

5. I represent that Exhibit E shows all entries for communications received from the USPTO for this application during that time period, such time period including the entire statutory period for response to the final Office Action dated July 15, 2004, and that Exhibit E shows no entry for receipt of the final Office Action.

6. I represent that Exhibit E also includes the time period in which receipt of the Notice of Abandonment would have been entered had it been received, and that Exhibit E shows no entry for the Notice of Abandonment.

7. Verizon stopped maintaining handwritten records on the file jackets of its patent prosecution files on or about November 1, 2003, well prior to the date of the final Office Action in this application.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements are made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.



PATENT  
Docket No. 00-8012  
Application Serial No. 09/652,908

By: \_\_\_\_\_  
CHRISTIAN R. ANDERSEN

Date: April 14, 2005

MAR 14 2005 11:49 FR INTELLECTUAL PROPERTY3 924 3919 TO 919727183946

P.01

**Pitney Bowes****Exhibit A**

Facsimile

To: Joel Wall / Chris AndersenFrom: George MacDonald (203) 924-3180Telephone #: 972 718 3946Date: 3/14/05Number Of Pages To Follow: 21

Pitney Bowes Inc.  
Intellectual Property &  
Technology Law  
35 Waterview Drive  
P.O. Box 3000  
Shelton, Connecticut  
08484-8000

203-924-3919 Fax

www.pitneybowes.com

Chrisgood luckFeel free to call if we can helpGeorgeCM

MAR 14 2005

MAR 14 2005 11:49 FR INTELLECTUAL PROPERTY3 924 3919 TO 919727183946 P.02

**Exhibit B****UNITED STATES PATENT AND TRADEMARK OFFICE**

UNITED STATES DEPARTMENT OF COMMERCE  
 United States Patent and Trademark Office  
 Address: COMMISSIONER FOR PATENTS  
 P.O. Box 1478  
 Alexandria, Virginia 22312-1478  
 www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/MS2,908	08/31/2000	Mark J. Hahn	00-8012	4126
919	7536	02/09/2005	EXAMINER	
<b>PITNEY BOWES INC.</b> <b>35 WATERVIEW DRIVE</b> <b>P.O. BOX 3000</b> <b>MSC 26-22</b> <b>SHELTON, CT 06484-8000</b>			KANO, PAUL H	
			ART UNIT	PAPER NUMBER
			2141	
DATE MAILED: 02/09/2005				

Please find below and/or attached an Office communication concerning this application or proceeding.

4/9/05  
CA

MAR 14 2005 11:50 FR INTELLECTUAL PROPERTY 924 3919 TO 919727183946

P.06

**Exhibit C****UNITED STATES PATENT AND TRADEMARK OFFICE**

UNITED STATES DEPARTMENT OF COMMERCE  
 United States Patent and Trademark Office  
 Address: COMMISSIONER FOR PATENTS  
 P.O. Box 1600  
 Alexandria, Virginia 22313-1400  
 www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/652,908	08/31/2000	Mark J. Hahn	00-8012	4126
919	7300	07/15/2004	EXAMINER	
<b>PITNEY BOWES INC.</b> <b>35 WATERVIEW DRIVE</b> <b>P.O. BOX 3000</b> <b>MSC 26-22</b> <b>SHELTON, CT 06484-8000</b>			YOUSSEF, SAID	
			ART UNIT	PAPER NUMBER
			2141	
DATE MAILED: 07/15/2004				

Please find below and/or attached an Office communication concerning this application or proceeding.

CG  
3/15/06

**EXHIBIT D**

PATENT  
Attorney Docket No. 00-8012

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of:	)	
	)	
Mark J. HAHN et al.	)	
	)	
Serial No.: 09/652,908	)	Group Art Unit: 2141
	)	
Filed: August 31, 2000	)	Examiner: Sajid Yussuf
	)	
For: SYSTEMS AND METHODS FOR	)	
PROVIDING ENHANCED	)	
MESSAGE SERVICES	)	

Mail Stop PETITION  
Commissioner for Patents  
P.O. Box 1450  
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**PETITION TO WITHDRAW HOLDING OF ABANDONMENT**  
**BASED ON FAILURE TO RECEIVE OFFICE ACTION**

I, Christian R. Andersen, make declaration as follows:

1. I am employed as Senior Paralegal - Intellectual Property by Verizon in Irving, Texas, and am responsible for receiving all communications mailed to Verizon from the United States Patent and Trademark Office ("USPTO").
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PATENT  
Docket No. 00-8012  
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I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements are made with the knowledge that willful false statements and the like so made are

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Application Serial No. 09/652,908

punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

By:   
CHRISTIAN R. ANDERSEN

Date: April 14, 2005

**EXHIBIT E**

Patent Status as of 3/13/2005

**SYSTEMS AND METHODS FOR PROVIDING ENHANCED MESSAGE SERVICES (aka PMA)**

Docket No.00-8012

Country:United States

Owner:Verizon Laboratories Inc.

Application No. 9/ 652,908

Patent No.

Publication No.

Case Type:Regular

Filing Type:National

Filing Date:8/31/2000

Grant Date:

Publication Date:

Relation Type:Original Filing

PCT/EP Countries:

Related I.D.: Claims priority of

Parent No. 60/185,382

Priority Filing Date Claimed: 2/28/2000

Class:

U.S.CLASS: 709.

Total No. Claims:030

Inventors: Hahn; Mark J.

Lejter; Luis D.

Status:Pending

Next Tax Due Date:

Supervisor:Mr. Joel Wall

Prosecutor:Mr. Joel Wall

GTE Associate:Chris Andersen

00-8012PRO1

Parent Filing Date:2/28/2000

No. Independent Claims:08

Brophy; Kevin

Chow; Anita L.

Robbins; David C.

Status Date:3/13/2005

Expiration Date:

Agent:Mr. Paul A. Harrity

Agent Reference No.0010-0074

Co-Owners:Recorded

Action Code	Action Description	Action Due	Completed
WTG	Waiting Action Examiner's Office	7/3/2004	
IDX	Date of Invention		8/1/1997
IDM	Date of Invention Disclosure		2/3/2000
IDI	Invention Discl. Docketed by VZ		2/4/2000
IDR	Invention Discl. Received by VZ		2/4/2000
IDL	Inventor Informed of Discl. Recpt.		2/8/2000
DOC	File Docketed		2/11/2000
ICZ	Invent.Discl. Sent to Agent to Process		2/22/2000
ICV	Invent.Discl. Terminated by 1st Agent		2/28/2000
IDF	IDS Filed	11/30/2000	8/31/2000
ASM	Assignment Filed PTO/PCT		8/31/2000
ASH	Assignment Recorded		8/31/2000
DRS	Formal Drawings Filed PTO		8/31/2000
PWX	Pwr Of Atty & Declaration Filed PTO		8/31/2000
INV	Invention Award Authoriztn Requestd		8/31/2000
APD	Application Filing Date		8/31/2000
FLG	Flag for Internet		9/5/2000
PST	Filing Post Card Returned		9/14/2000



## Patent Status as of 3/13/2005

## SYSTEMS AND METHODS FOR PROVIDING ENHANCED MESSAGE SERVICES (aka PMA)

Docket No.00-8012

Country:United States

Owner:Verizon Laboratories Inc.

Application No. 9/ 652,908

Patent No.

Publication No.

Case Type:Regular

Filing Type:National

Filing Date:8/31/2000

Grant Date:

Publication Date:

Relation Type:Original Filing

PCT/EP Countries:

Related I.D.: Claims priority of

Parent No. 60/185,382

Priority Filing Date Claimed: 2/28/2000

Class:

U.S.CLASS: 709.

Total No. Claims:030

Inventors: Hahn; Mark J.

Lejter; Luis D.

Status:Pending

Next Tax Due Date:

Supervisor:Mr. Joel Wall

Prosecutor:Mr. Joel Wall

GTE Associate:Chris Andersen

00-8012PRO1

Parent Filing Date:2/28/2000

No. Independent Claims:08

Brophy; Kevin

Chow; Anita L.

Robbins; David C.

Status Date:3/13/2005

Expiration Date:

Agent:Mr. Paul A. Harrity

Agent Reference No.0010-0074

Co-Owners:Recorded

Action Code	Action Description	Action Due	Completed
NOF	No Foreign Filing/PRO Appl. Expired	2/28/2001	10/11/2000
PCZ	PCT/Foreign Appl. Filing Actions Taken	2/28/2001	10/11/2000
FOG	Foreign Filing License Granted		10/18/2000
FIT	Filing Receipt Issued		10/25/2000
ASN	Notice of Assignment Recordation		12/4/2000
IDT	Supplemental IDS Filed		7/24/2001
OFA	Office Action Issued	11/30/2000	2/3/2004
RFF	Agent Sent Prepared Response to VZ		4/13/2004
PW4	Revocation of Pwr Of Atty Sent VZ		4/13/2004
AMN	Amendment Filed	5/3/2004	5/3/2004
PW5	Revocation of Pwr Of Atty Filed PTO	5/3/2004	5/3/2004